GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted by the ACB over the Boarder Check Post, Nagalapuram, Chittoor District on 11.05.2017 – Allegations of Corruption – Initiation of Disciplinary Proceedings against Smt. Doraswamy Rajani, DCTO & AO, Boarder Check Post, Nagalapuram, Chittoor District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.144 **Dated:10.03.2021**

Read the following:

1. From the DG, ACB, A.P, Lr.Rc.No.26/DES-TCT/2017, dated:08-02-2021.
2. G.O.Ms.No.63, Revenue (Vig.II) Department, dated:10.03.2021.

******

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 2nd read above, it is considered necessary to hold an enquiry against Smt. Doraswamy Rajani, DCTO & AO, Boarder Check Post, Nagalapuram, Chittoor District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Smt. Doraswamy Rajani, DCTO & AO, Boarder Check Post, Nagalapuram, Chittoor District is directed to submit within ten days of the receipt of this order a written statement of her defense.

4. She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. She should, therefore, specifically admit or deny each article of charge.

5. Smt. Doraswamy Rajani, DCTO & AO, Boarder Check Post, Nagalapuram, Chittoor District is further informed that if she does not submit her written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Smt. Doraswamy Rajani, DCTO & AO, Boarder Check Post, Nagalapuram, Chittoor District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her service under Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that she is aware of such a representation and that it has been made at his instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Smt. Doraswamy Rajani, DCTO & AO, Boarder Check Post, Nagalapuram, Chittoor District (w.e, Annexures-I to IV) through the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to
The Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada.
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.
The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.
The Deputy Commissioner, Commercial Taxes, Chittoor District.
SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE —I

ARTICLES OF CHARGES FRAMED AGAINST SMT. DORASWAMY RAJANI, AGE 41 YRS, DCTO & AO, BORDER CHECK POST, COMMERCIAL TAXES DEPARTMENT, NAGALAPURAM, CHITTOOR DISTRICT.

SC.NO.03/SC-TCT/2017

That Smt. D. Rajani joined Government service as Jr. Assistant on 14.10.1994 in Commercial Taxes Department. She worked as Jr. Assistant at the Offices of CTO -1 & 2, Chittoor and at the Office of CTO — 1, Tirupati; as Senior Assistant in the O/o CTO —2, Tirupati; as ACTO in the O/o CTO, Puttur; BCP, Tadukupeta; O/o CTO — 2, Chittoor and as DCTO & AO at BCP, Nagulapuram, Chittoor District. She worked as DCTO & AO, Border Check Post, CT Dept, Nagalapuram, Chittoor District from 11.06.2016 to till the date of surprise check i.e.11-05-2017. She is here-in-after called as Government Servant.

CHARGE-I:

That the Government Servant, Smt. D. Rajani, while working as DCTO & AO, BCP, Nagalapuram Chittoor district from 11.06.2016 to 11-05-2017, has committed grave misconduct in as much as found to allow three (3) private male persons to work at Border check post, Nagulapuram and also allowed them to collect bribes/ illegal gratifications from the lorry drivers/cleaners who were passing through the check-post.

CHARGE-II:

That the Government Servant, Smt. D. Rajani, while working as DCTO & AO, BCP, Nagalapuram, Chittoor district from 11.06.2016 to 11-05-2017, has committed grave misconduct in as much as despite being supervisory officer has utterly failed to monitor the performance of the staff working in the Check post and thereby giving an ample scope for her subordinates to resort to corrupt practices and also failed to take all possible steps to ensure the integrity and devotion to duty of the Government Servants for the time being under her control and authority.

Thus, the government Servant Smt. Doraswamy Rajani DCTO & AO, exhibited slack supervision and failed to maintain absolute integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rules 3(1), 3(2) and 3(5) of AP Civil Services (Conduct) Rules, 1964.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE —II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR INA SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SMT. DORASWAMY RAJANI, AGE 41 YRS, DCTO & AO, BORDER CHECK POST, COMMERCIAL TAXES DEPARTMENT, NAGALAPURAM, CHITTOOR DISTRICT.

SC.NO.03/SC-TCT/2017

Smt. D. Rajani is a native of Chittoor District. Her date of birth is 01.06.1976. She entered in to Government service as Jr. Assistant on 14.10.1994 in Commercial Taxes Department. She worked as Jr. Assistant at the Offices of CTO -1 & 2, Chittoor and at the Office of CTO — 1, Tirupati; as Senior Assistant in the O/o CTO — 2, Tirupati; as ACTO in the O/o CTO, Puttur; BCP, Tadukupeta; O/o CTO — 2, Chittoor and as DCTO & AO at BCP, Nagulapuram, Chittoor District. She was drawing a basic pay of Rs 39,160/- as on 11-05-2017 in the scale of pay Rs. 28940/- to 78,910/- She is due to retire from service on superannuation on 31.05.2036. She is here-in-after referred to as Government Servant.

FACTS OF THE CASE:

On reliable information that the officials and staff of Border check-post, Commercial Taxes, Nagalapuram, Chittoor district are indulging in misconduct and by abusing their official position are obtaining pecuniary gain for themselves and causing loss to the government exchequer by engaging the services of unauthorized persons as private agents for collection of illegal gratification from the vehicles drivers/ operators passing through check-post, on 11-05-2017 from 7.52 hrs to 12.20 hrs, a Surprise Check was conducted by Sri M. Sudhakar Reddy, Inspector of Police, ACB, Tirupati along with his staff in the presence of two mediators. During the surprise Check 3 private persons were found at the check post. The private persons i.e., Sri S.U. Umapathi, Sri T. Rajesh and Sri Parandhama were found operating the barricade on behalf of the check post staff. On enquiry and search of the three private persons, an unaccounted amount of Rs.6,500/- was found in possession of Sri S.U. Umapathi; an unaccounted amount of Rs.4,800/- was found in possession of Sri T. Rajesh and an unaccounted amount of Rs.3,260/- was found in possession of Sri M. Parandhama. The Inspector, ACB seized the unaccounted amounts from them. When they were examined, they stated that they are working in the check post for the last 4 years and are being engaged by the DCTOs & ACTOs for collection of bribe amounts from the lorry drivers/ cleaners and for keeping the bribe amount with them and for that they were being paid an amount of Rs. 300/- per day from the collected bribes.

A thorough search was conducted by the ACB Officials along with mediators in the premises of the check post. During the searches, an unaccounted amount of Rs. 4,300/- was found under the batteries stand and an unaccounted amount of Rs. 3,000/-was found under the Steel almirah of the computer room and no office staff or private person claimed or accounted for the aforesaid cash of Rs. 7,300/- and the same was seized by the Inspector, ACB, Tirupati.

The Inspector, ACB examined the following truck drivers/ cleaners and their statements were recorded and duly attested by the mediators.

1. Sri Neeli subramnayam, Age-29 years, s/o late N.Lakashminaryana, Driver of Lorry bearing No. AP 02 TB 6566, R/o Surasingapalli, Gooty mandal Ananthapuram dist, DL AP 002117682007.
2. Sri Syed Valli Basha, age 35 years s/o S.Lalu saheb driver of AP02 TA 3540 R/o Chabda, Vajrakaruru mandalam Ananthapuram Dist. DL AP 020219960000010.
3. Sri Shaik Najeer, Age-30 years, S/o Abdul Salam, Driver of lorry bearing No. AP02 TA 9378, R/o D.No. 7-31-76, Bhasyanagar, Guntakal town, Ananthapuram district. DL AP 00242652008.
4. Sri N. Kumar, age 35 years s/o N.Chengaaiah, Driver of lorry bearing no. AP26 C 5110, R/o D.No: 4-139 Thonduru (Near Thada), Vardaiahpalem mandal, Chittoor dist. DL AP 10339222008.

Contd.,2

The gist of their statements is that they regularly used to pass through the Border Check Post, Nagalapuram, Chittoor district and for that they have to get their records verified by the CT officials at the check post for which the Check Post officials used to collect bribe amounts of Rs. 100/- to 300/- per vehicle to pass through the check post. If they do not pay bribes at counters, they would be harassed in the name of checking and registering cases and etc., facts.

Then the Inspector, ACB observed the scene of offence. The scene of offence is situated in the junction of Chennai-Tirupati (state High way No. 58) road (running from East to west) and a road leading to Nagalapuram village. The check post consists of two rooms having roofs with Asbestossl-reets. On entering the room located in the western portion of the building, a seat for DCTO/ ACTO, two computer table counters and a battery rack having 30 batteries were found in the said room. The rough sketch of scene of offence prepared by the Inspector was attested by the mediators and the Inspector.

During the Surprise Check, it was noticed that the DCTO & Administrative Officer, Smt. D. Rajani and DCTO, Smt. T. Ramyamani have not attended to duty till the closing of the proceedings. The proceedings were concluded on 11-05-2017 at 12:20 hrs. The 2"d mediator, Sri G. Shyam Sundar typed the entire proceedings on the laptop brought by the Inspector, ACB, Tirupati on the dictation of mediator No.1, Sri T. Venkata Ramana Reddy as per the exact happenings that occurred during the surprise check. The print out of the Proceedings was also taken on the printer carried by the ACB officials. All the formalities of search were duly followed.

During the course of enquiry, a letter was addressed to the Deputy Commissioner, Commercial Taxes, Chittoor with regard to the absence of the DCTO & AO Smt. D. Rajani and the DCTO Smt. T. Ramyamani during the Surprise Check. In his reply vide RC No. 81118412017 d1.31.08.2017, he stated that the DCTO & AO, Smt. D.Rajani had taken permission from the CTO, Puttur Circle on 10.05.17 to go to Deputy Commissioner's Office, Chittoor on the day of Surprise Check i.e. on 11.05.2017 whereas the DCTO Smt. T. Ramyamani had not taken any permission. He also stated that the DCTO Smt. T. Ramyamani had retired from service on 31.05.17 on superannuation.

CHARGE-I:

That the Government Servant, Smt. D. Rajani, while working as DCTO & AO, BCP, Nagalapuram Chittoor district from 11.06.2016 to 11-05-2017, has committed grave misconduct in as much as found to allow three (3) private male persons to work at Border check post, Nagulapuram and also allowed them to collect bribes/ illegal gratifications from the lorry drivers/cleaners who were passing through the check-post.

BASIS OF THE CHARGE:

On 11-05-2017 from 7.52 hrs to 12.20 hrs, a Surprise Check was conducted by Sri M. Sudhakar Reddy, Inspector of Police, ACB, Tirupati along with his staff in the presence of two mediators on the Border check-post of Commercial Taxes, Nagulapuram and found three (3) private persons i.e., Sri S.U. Umapathi, Sri T. Rajesh and Sri Parandhama were working & collecting bribes on behalf of the check post staff. When they were examined, they stated that they are working in the check post for the last 3 to 4 years and are being engaged by the DCTOs & ACTOs for collection of bribe amounts from the lorry drivers/ cleaners passing through the check-post with their vehicles and for keeping the bribe amount with them. For that they were being paid an amount of Rs.300/- per day from the collected bribes. On search of the three private persons, an unaccounted amount of Rs.6,500/- was found in possession of Sri S.U. Umapathi; an unaccounted amount of Rs.4,800/- was found in possession of Sri T. Rajesh and an unaccounted amount of Rs.3,260/- was found in possession of Sri M.Parandhama. The said amounted were seized in the presence of mediators for further action.

Contd.,3

A thorough search was conducted by the ACB Officials along with mediators in the premises of the check post. During the searches, an unaccounted amount of Rs.4,300/- was found under the batteries stand and an unaccounted amount of Rs.3,000/- was found under the Steel almirah of the computer room and no office staff or private person claimed or accounted for the aforesaid cash of Rs.7,300/- and the same was seized by the Inspector, ACB, Tirupati.

When the Inspector, ACB examined the truck drivers/ cleaners ie., N.Subramanyam, Sri Sd. Vali Basha, Sri Shaik Najeer, Sri N.Kumar stated that they regularly used to pass through the Border Check Post, Nagalapuram, Chittoor district and for that they have to get their records verified by the CT officials at the check post for which the Check Post officials used to collect bribe amounts of Rs.100/- to 300/- per vehicle to pass through the check post. If they do not pay bribes at counters, they would be harassed in the name of checking and registering cases and etc., facts. Their statements were recorded by the Inspector of Police, ACB, Tirupati.

As per Memo No.101/Spl.B/2000-4 Administration Department (Spl.B) "No Manual or any procedure has prescribed to engage a private person to perform certain official duties during the course of departmental activity".

Similarly, it was clearly mentioned in Circular Memo No. 9/15153/V3/98, it was stated that no private individual can function Government Check-posts/ Transport Department offices in the state and if such instances come to light, it will deemed that such private persons are acting as agents to collect mamools and action will be taken accordingly against the persons responsible. In violation of above mentioned orders, Government Servant Smt. D. Rajini engaged the private persons and thereby allowed them to collect bribes from the vehicle drivers/cleaners on behalf of the staff of the commercial taxes Department present in the check-post. Thus, Government Servant Smt. D. Rajini clearly violated the instructions of Memos and Circulars issued by the government of A.P and allowed private persons to collect bribes from the drivers of the vehicles passing through the check-post.

Thus the government servant Smt. D. Rajani, DCTO & AO by her above said acts violated Rule 3(1) & 3(2) of APCS (Conduct) Rules 1964.

CHARGE-II:

That the Government Servant, Smt. D. Rajani, while working as DCTO & AO, BCP, Nagalapuram, Chittoor district from 11.06.2016 to 11-05-2017, has committed grave misconduct in as much as despite being supervisory officer has utterly failed to monitor the performance of the staff working in the Check post and thereby giving an ample scope for her subordinates to resort to corrupt practices and also failed to take all possible steps to ensure the integrity and devotion to duty of the Government Servants for the time being under her control and authority.

BASIS OF THE CHARGE:

On 11-05-2017 from 7.52 hrs to 12.20 hrs , a Surprise Check was conducted by Sri M. Sudhakar Reddy, Inspector of Police, ACB, Tirupati along with his staff in the presence of two mediators on Border Check-Post, Commercial Taxes, Nagulapuram, Chittoor district and found officials and staff of Border check-post, Commercial Taxes, Nagalapuram, Chittoor district are indulging in misconduct and by abusing their official position are obtaining pecuniary gain for themselves and causing loss to the government exchequer by engaging the services of three unauthorized persons as private agents for collection of illegal gratification from the vehicles drivers/ operators passing through check-post. Seizure of bribe amounts from the private persons and unaccounted bribe money in the computer room and presence of private persons in the check-post has substantiated the above allegation. The statements of the drivers/ cleaners also supported the above allegation.

Contd.,4

As per Rule 3 (5) of APCS Conduct Rules, 1964, the Government Servant Smt. D.Rajani, DCTO & AO, being the incharge of the check post shall take all possible steps to ensure the integrity and devotion to duty of all the Government Servants for the time being under his control and authority. Whereas Government Servant Smt. D.Rajini showed utter disregard to these conduct rules and failed as a supervisory Officer.

Thus, the government servant Smt. D.Rajani by the above said acts contravened Rules 3(5) AP Civil Services (Conduct) Rules, 1964.

Therefore, the government servant Smt. Doraswamy Rajani, DCTO & AO has exhibited slack supervision and failed to maintain absolute integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rules 3(1), 3(2) and 3(5) of AP Civil Services (Conduct) Rules,1964 and liable for regular departmental action.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE —III

LIST OF RECORDS/DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SMT. DORASWAMY RAJANI, AGE 41 YRS, DCTO & AO, BORDER CHECK-POST, NAGALAPURAM, CHITTOOR DISTRICT.

SC.NO.03/SC-TCT/2017

1. Original Surprise Check proceedings drafted on 11.05.2017 from 7.52 hrs to 12.20 hrs at the Border Check Post, C.T. Dept., Nagalapuram, Chittoor Dist.,
2. Duty Chart: The Duty chart for the month of May-2017 obtained from the Dy. Commissioner, Commercial Taxes, Chittoor.
3. Reply letter vide Rc.No.B1/184/2017 dt.01.06.2017 of Dy. Commissioner of Commercial Taxes, Chittoor Dist.
4. Reply letter vide Rc. No. B1/184/2017 dt. 31.08.2017 of Dy. Commissioner of Commercial Taxes, Chittoor Dist.
5. Statement of Sri Neeli subramnayam, Age-29 years, s/o late N.Lakashminaryana, Driver of Lorry bearing No. AP 02 TB 6566, R/o Surasingapalli, Gooty mandal, Ananthapuram dist, DL AP 002117682007.
6. Statement of Sri Syed Valli Basha age 35 years s/o S.Lalu saheb driver of AP02 TA 3540 R/o Chabda, Vajrakaruru mandalam, Ananthapuram Dist. DL AP 020219960000010.
7. Statement of Sri Shaik Najeer, Age-30 years, S/o Abdul Salam, Driver of lorry bearing No. AP02 TA 9378, R/o D.No. 7-31-76, Bhasyanagar, Guntakal town, Ananthapuram district. DL AP 00242652008.
8. Statement of Sri N. Kumar age 35 years s/o N.Chengaaiah, Driver of lorry bearing no. AP26 C 5110, R/o D.No: 4-139 Thonduru (Near Thada), Vardaiahpalem mandal, Chittoor dist. DL AP 10339222008.
9. Statement of Sri Singaram Udayar Umapathi, age 47 years, S/o late Singaram Kannaiah (Private Person) R/o.D.No.9/89, Gandhi Street, Kummarajapeta Village, Pallipattu Mandal, Thiruvallur District, Tamilanadu.
10. Statement of Sri Terani Rajesh, S/o Sri Munaswamy, age 50 years, (Private Person), R/o D.No.5-12B, VKM Street, Nagalapuram, Chittoor District.
11. Statement of Sri C.Munirathanam, age 40 years, (Private Person), R/o D.No.21-523, Choutapalle, Behind Sugar Factory, Chittoor.

If any record/ document found to be relevant will be produced during the enquiry.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE —IV

LIST OF WITNESSES BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SMT. DORASWAMY RAJANI, AGE 41 YRS, DCTO & AO, BORDER CHECK-POST, NAGALAPURAM, CHITTOOR DISTRICT.

SC.NO.3/SC-TCT/2017

1. Thussu Venkataramana Reddy, S/o. Late Venkata Reddy, Age-58, Special Tahsildar, O/o. Regional Joint Commissioner, Land Protection Cell, Endowments department, Multi Zone-II, Tirupati, R/o. D.No.,4-1-4-7-2, Krishna Nagar, Madanapalle, (Mediator- I)
2. Galla Shyam Sundar, S/o Late Mohan Rao, Age-46, Senior Assistant, O/o. Regional Joint Commissioner, Endowments department, Multi Zone-II, Tirupati, R/o. D.No.18-14-16, 23rd ward, Ponnuru town and mandal, Guntur district, (Mediator-II)
3. Sri M.Sudhakara Reddy, Inspector of Police, ACB, Tirupati Range, Tirupati.
4. Sri K.Chandra Sekhar, Inspector of Police, ACB, Tirupati Range, Tirupati.
5. The Dy. Commissioner of Commercial Taxes, Chittoor, Chittoor District.
6. Sri Neeli subramnayam, Age-29 years, s/o late N.Lakashminaryana, Driver of Lorry bearing No. AP 02 TB 6566, R/o Surasingapalli, Gooty mandal Ananthapuram dist, DL AP 002117682007.
7. Sri Syed Valli Basha age 35 years s/o S.Lalu saheb driver of AP02 TA 3540 R/o Chabda, Vajrakaruru mandalam Ananthapuram Dist. DL AP 020219960000010.
8. Sri Shaik Najeer, Age-30 years, S/o Abdul Salam$_i$ Driver of lorry bearing No. AP02 TA 9378, R/o D.No. 7-31-76, Bhasyanagar, Guntakal town, Ananthapuram district. DL AP 00242652008.
9. Sri N.Kumar age 35 years s/o N.Chengaaiah, Driver of lorry bearing no. AP26 C 5110, R/o D.No: 4-139 Thonduru (Near Thada), Vardaiahpalem mandal, Chittoor dist. DL AP 10339222008.
10. Singarann Udayar Umapathi S/o late Singaaram Kannaiah, 47 yrs r/o D.No.9/89, Gandhi Street, Kumararajapeta village, Pallpattu mandal, Tiruvallur District, Tamilnadu.
11. Terani Rajesh S/o Munaswamy, 50yrs, r/o D.No.5-12B, VKM Street, Nagalapuram, Chittoor district.
12. Munirathnam Paradhama S/o C.Munirathnam, 40 yrs r/o D.No.21-523, Choutapalle, Behind Sugar Factory, Chittoor Town.

If any witness found to be relevant will be produced during the enquiry

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER